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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,765	05/31/2001	Pierre Albou	1948-4752	8824
27123	7590	09/08/2004		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER QUASH, ANTHONY G	
			ART UNIT 2881	PAPER NUMBER

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/870,765	<b>Applicant(s)</b> ALBOU, PIERRE	
	<b>Examiner</b> Anthony Quash	<b>Art Unit</b> 2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/7/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vassel [EP 0479634]. As per claim 1, Vassel [EP 0479634] teaches a motor vehicle light unit comprising a reflector (6), the reflector having a defined surface of an approximate ellipsoid, a light source (L2) located in such a way as to produce a pool of reflected light, and a lens in front for converting the pool of light into a beam and for projecting the beam forward from the light unit, wherein the light unit further includes a filter (8) movably positioned between the reflector (6) and the lens, the filter being opaque to visible light and transparent to only infrared light, and filter-carrying means mounting the filter for moving the filter between a first position out of the path of the light passing from the reflector (6) to the lens (see fig. 2), and a second position in which the filter (8) intercepts a substantial part of the light passing from the reflector (6) to the lens. See Vassel [EP 0479634] fig. 2. col. 8 lines 10-45, and col. 9 lines 5-20. With respect the applicants claims concerning the there being two focal regions, one being external and the other being internal, located at the light source, it is the examiner's view that it is inherent that there would be two focal regions, with one being external and the other being internal, located at the light source. The reason for this is due to the configuration of the headlamp in fig. 2 of Vassel [EP 0479634]. In addition, the fact that

the reflectors are ellipsoidal in shape about the light source indicates that there would be a second focal point/region upstream the filter.

As per claim 5, Vassel [EP 0479634] teaches the reflector (6) being disposed in relation to the lens in such a way as to propagate light towards the lens in a stream of light defining an edge, the filter-carrying means being arranged to displace the filter to a position in which a surface of the filter extends along an edge of the stream of light. See Vassel [EP 0479634] fig. 2. col. 8 lines 10-45, and col. 9 lines 5-20.

As per claim 6, Vassel [EP 0479634] teaches the filter-carrying means consisting of means for positioning the filter. See Vassel [EP 0479634] fig. 2. col. 8 lines 10-45, and col. 9 lines 5-20.

As per claim 7, Vassel [EP 0479634] the filter positioning means including a pivot (A2, A3) defining an axis downstream of the second position of the filter (8) with respect to the direction of propagation of the light. See Vassel [EP 0479634] fig. 2. col. 8 lines 10-45, and col. 9 lines 5-20.

As per claim 8, Vassel [EP 0479634] teaches the second filter position, and an extent of the filter itself, so that when the filter is in the second position, some of the light radiation from the reflector (6) to the lens bypasses the filter. See Vassel [EP 0479634] fig. 2. col. 8 lines 10-45, and col. 9 lines 5-20.

Claims 2,4,9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Vassel [EP 0479634] in view Eichler [6,312,147]. As per claim 2, Vassel [EP 0479634] teaches all aspects of the claim except for explicitly stating including a member carrying the filter and adapted for deformation under the effect of thermal deformations of the

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filter. Eichler [6,312,147] teaches including a member carrying the filter and adapted for deformation under the effect of thermal deformations of the filter. See Eichler [6,312,147] col. 4 lines 40-50. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a member carrying the filter and adapted for deformation under the effect of thermal deformations of the filter in order to aid in the positioning of the filter while being exposed to excess heat from the light source.

As per claim 4, Eichler [6,312,147] teaches the reflector defining a lamp hole, the light source being a lamp placed in the lamp hole whereby to produce a shadow zone corresponding to the optical image of the lamp hole, the filter-carrying means being arranged to displace the filter to a position substantially in the shadow zone. See Eichler [6,312,147] abstract, figs. 1-4, col. 3 lines 15-65, column 4, and col. 5 lines 1-15.

As per claim 9, Eichler [6,312,147] teaches the lens (16) defining zones for disorganizing a light stream, the zones being located in the path of rays passing from the reflector (10) to the lens (16) and bypassing the filter (20,30). See Eichler [6,312,147] abstract, and figs. 1-4.

As per claim 10, Eichler [6,312,147] teaches the disorganizing zone being defined in annular regions of the lens (16). See Eichler [6,312,147] abstract, and figs. 1-4.


**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,124,549 to Michaels et al is considered pertinent due to its teaching of a filter for a head lamp which rejects ultra-violet and visible light wavelengths and passing only the infrared light through.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Quash whose telephone number is (571)-272-2480. The examiner can normally be reached on Monday thru Friday 9 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (571)-272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. Quash  
  
9/4/04

  
JOHN R. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800